

KEKER & VAN NEST LLP
ROBERT A. VAN NEST - #84065
rvannest@kvn.com
CHRISTA M. ANDERSON - #184325
canderson@kvn.com
DANIEL PURCELL - #191424
dpurcell@kvn.com
710 Sansome Street
San Francisco, CA 94111-1704
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

KING & SPALDING LLP
SCOTT T. WEINGAERTNER (*Pro Hac Vice*)
sweingaertner@kslaw.com
ROBERT F. PERRY
rperry@kslaw.com
BRUCE W. BABER (*Pro Hac Vice*)
bbaber@kslaw.com
1185 Avenue of the Americas
New York, NY 10036-4003
Telephone: (212) 556-2100
Facsimile: (212) 556-2222

KING & SPALDING LLP
DONALD F. ZIMMER, JR. (SBN 112279)
fzimmer@kslaw.com
CHERYL A. SABNIS (SBN 224323)
csabnis@kslaw.com
101 Second Street, Suite 2300
San Francisco, CA 94105
Telephone: (415) 318-1200
Facsimile: (415) 318-1300

GREENBERG TRAURIG, LLP
IAN C. BALLON (SBN 141819)
ballon@gtlaw.com
HEATHER MEEKER (SBN 172148)
meekerh@gtlaw.com
1900 University Avenue, Fifth Floor
East Palo Alto, CA 94303
Telephone: (650) 328-8500
Facsimile: (650) 328-8508

Attorneys for Defendant
GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF CHRISTOPHER
CARNAVAL IN RESPONSE TO ORACLE
AMERICA, INC.'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

1 I, Christopher Carnaval, declare as follows:

2 I am an associate in the law firm of King & Spalding LLP, counsel to Google Inc.
3 (“Google”) in the present case. I submit this declaration in response to Oracle America, Inc.’s
4 Administrative Motion to File Under Seal (Dkt. No. 192). I make this declaration based on my
5 own personal knowledge. If called as a witness, I could and would testify competently to the
6 matters set forth herein.

7 1. I have reviewed Oracle America, Inc.’s Opposition to Google’s *Daubert* Motion
8 (Dkt. No. 191) and the Declaration of Fred Norton in Support of Oracle America, Inc.’s
9 Opposition to Google’s *Daubert* Motion (“Norton Declaration”) (Dkt. No. 191-1.)

10 2. Google believes that Exhibits C, D, K and M, which Oracle America, Inc.
11 (“Oracle”) attaches to the Norton Declaration, and the references to confidential portions of these
12 materials currently redacted in Oracle’s Brief as set forth below should be filed under seal.
13 These materials either are or reference materials properly designated Confidential or Highly
14 Confidential - Attorneys’ Eyes Only pursuant to the Order Approving Stipulated Protective
15 Order Subject to Stated Conditions entered in this case (Dkt. No. 68).

16 3. Exhibit C, and references to confidential portions of Exhibit C currently redacted
17 in Oracle’s Brief (e.g., 2:5-:7, 9:8-:9, 14:23-:25), are to be filed under seal pursuant to the Order
18 Approving Stipulated Protective Order Subject to Stated Conditions (Dkt. No. 68) governing this
19 case because they refer to a highly confidential business deal review presentation intended for
20 high-level Google executives. The presentation in Exhibit C discusses the proposed terms of a
21 potential business deal and reveal a potential business strategy for Android. Disclosure of this
22 information, which Google does not share publicly during the normal course of business, would
23 cause great and undue harm to Google’s business.

24 4. Exhibit D, and references to confidential portions of Exhibit D currently redacted
25 in Oracle’s Brief (e.g., 2:16-:17, 14:23-15:1, footnote 6), are to be filed under seal pursuant to the
26 Order Approving Stipulated Protective Order Subject to Stated Conditions (Dkt. No. 68)
27 governing this case because they contain or refer to highly sensitive information concerning
28 internal discussions about licensing and business strategies for Android. Disclosure of Google’s

1 highly sensitive licensing and business strategies, which Google does not share publicly during
2 the normal course of business, would cause great and undue harm to Google's business.

3 5. Exhibit K, and references to confidential portions of Exhibit K currently redacted
4 in Oracle's Brief (e.g., 12:21-:24), are to be filed under seal pursuant to the Order Approving
5 Stipulated Protective Order Subject to Stated Conditions (Dkt. No. 68) governing this case
6 because they contain references to confidential business and licensing negotiations involving
7 Google. Disclosure of information concerning its confidential business and licensing
8 negotiations, which Google does not share publicly during the normal course of business, would
9 cause great and undue harm to Google's business.

10 6. Exhibit M, and references to confidential portions of Exhibit M currently redacted
11 in Oracle's Brief (e.g., 22:15-:17), are to be filed under seal pursuant to the Order Approving
12 Stipulated Protective Order Subject to Stated Conditions (Dkt. No. 68) governing this case
13 because they contain or refer to highly sensitive internal discussions concerning technical and
14 business strategies for Android. Disclosure of information concerning highly sensitive technical
15 and business strategies, which Google does not share publicly during the normal course of
16 business, would cause great and undue harm to Google's business.

17 7. Google believes that other currently redacted portions of Oracle's Brief (e.g., 6:1,
18 14:18-15:4, 22:11-:13), which refer to portions of the Expert Report of Dr. Iain M. Cockburn that
19 are based on or reflect materials properly designated by Google as Confidential or Highly
20 Confidential - Attorneys' Eyes Only, should be filed under seal. These materials include highly
21 sensitive financial information concerning Android, as well as highly sensitive discussions of
22 technical, business, and licensing strategies concerning Android.

23 8. Google states no position as to whether disclosure of materials marked by Oracle
24 as Confidential or Highly Confidential - Attorneys' Eyes Only material would cause harm to
25 Oracle.

26 9. In conclusion, Google does not oppose Oracle's Administrative Motion and
27 submits herewith a proposed Order Sealing Google Inc.'s Confidential Information. Disclosure
28 of this material would cause great and undue harm to Google's business.

1 I declare under penalty of perjury that the foregoing facts are true and correct.

2 Executed on July 5, 2011 in New York, New York.

3
4 /s/ Christopher Carnaval /s/

5 Christopher Carnaval
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28